

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1080

Introduced by Assembly Member Skinner

February 27, 2009

An act to ~~amend Section 17527 of~~ *add Section 17535.5 to the Education Code*, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1080, as amended, Skinner. School facilities: rent or lease: vacant classrooms.

Existing

(1) *Existing* law authorizes the governing board of a school district to enter into agreements to make vacant classrooms or other space in operating school buildings available for rent or lease to other school districts, educational agencies, except private educational institutions that maintain kindergarten or grades 1 to 12, inclusive, governmental units, nonprofit organizations, community agencies, professional agencies, commercial and noncommercial firms, corporations, partnerships, businesses, and individuals, including during normal school hours if the school is in session.

This bill, *notwithstanding the provision above*, would ~~make technical, nonsubstantive changes to the provision above~~ *authorize the governing board of the Emery Unified School District, upon a $\frac{2}{3}$ vote, to enter into a joint-use, joint-ownership agreement with a governmental agency whereby a new school and community services facility would be constructed on land owned by the school district.*

(2) *The California Constitution provides that a special statute is invalid in any case if a general statute can be made applicable.*

This bill would declare that, due to unique circumstances applicable only to the Emery Unified School District, as set forth in the bill, a general statute cannot be made applicable and a special statute is necessary.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 17535.5 is added to the Education Code,*
2 *to read:*

3 *17535.5. (a) Notwithstanding any other provision of this*
4 *article, the governing board of the Emery Unified School District,*
5 *upon a two-thirds vote, may enter into a joint-use, joint-ownership*
6 *agreement with a governmental agency whereby a new school and*
7 *community services facility is constructed on land owned by the*
8 *school district. The agreement shall specify all of the following:*

9 *(1) The school district shall retain full ownership of the land*
10 *upon which the facilities are constructed.*

11 *(2) There is a demonstrated need for the joint ownership of the*
12 *facilities.*

13 *(3) The joint ownership of the facilities shall be compatible with*
14 *the educational purposes of those facilities.*

15 *(4) Parameters are set for the degree and nature of the joint*
16 *ownership of the facilities.*

17 *(b) The space and use limitations of Sections 17531 and 17532*
18 *do not apply to facilities constructed under an agreement entered*
19 *into pursuant to this section.*

20 *SEC. 2. The Legislature finds and declares that a special law*
21 *is necessary and that a general law cannot be made applicable*
22 *within the meaning of Section 16 of Article IV of the California*
23 *Constitution because of the unique circumstances of the Emery*
24 *Unified School District. The facts constituting the special*
25 *circumstances that distinguish the Emery Unified School District*
26 *from other school districts are the high degree of integration*
27 *between the community and educational services of the joint-use*
28 *facilities to be constructed pursuant to this legislation.*

29 ~~*SECTION 1. Section 17527 of the Education Code is amended*~~
30 ~~*to read:*~~

1 ~~17527. (a) The governing board of a school district may enter~~
2 ~~into agreements to make vacant classrooms or other space in~~
3 ~~operating school buildings available for rent or lease, including~~
4 ~~during normal school hours if the school is in session, to the~~
5 ~~following entities:~~
6 ~~(1) Another school district.~~
7 ~~(2) Educational agencies, except private educational institutions~~
8 ~~that maintain kindergarten or any of grades 1 to 12, inclusive.~~
9 ~~(3) Governmental units.~~
10 ~~(4) Nonprofit organizations.~~
11 ~~(5) Community agencies.~~
12 ~~(6) Professional agencies.~~
13 ~~(7) Commercial and noncommercial firms, corporations, and~~
14 ~~partnerships.~~
15 ~~(8) Businesses.~~
16 ~~(9) Individuals.~~
17 ~~(b) The governing board shall give first priority in leasing or~~
18 ~~renting vacant classroom space or other space to educational~~
19 ~~agencies for conducting special education programs and second~~
20 ~~priority to other educational agencies.~~